

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL J. KNEITEL,

Plaintiff,

-against-

RAMON MARIN, PAROLE OFFICER;
ROBERT DENNISON, CHAIRPERSON,
NEW YORK STATE DIVISION OF PAROLE,

Defendants.

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GARAUFIS, United States District Judge:

Plaintiff, Michael J. Kneitel, brings this *pro se* action pursuant to 42 U.S.C. §1983, principally alleging that defendants violated his Constitutional rights by refusing to change the conditions of his release from custody. By Memorandum and Order dated May 13, 2005, this Court granted plaintiff's request to proceed *in forma pauperis*; dismissed plaintiff's claims, if any, for money damages against the New York State Division of Parole and against defendants Marin, Dennison and/or Chief Parole Officer Carol Flot in their official capacities; and directed plaintiff to amend his complaint within thirty (30) days. The Order warned plaintiff that the failure to file an amended complaint within that time period would result in dismissal of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). *Kneitel v. Marin*, No. 05-CV-1637 (NGG), slip op. at 16 (E.D.N.Y. May 13, 2005).

As of the date of this Order, plaintiff has not filed an amended complaint as directed. More than 100 days having elapsed since the entry of this Court's May 13, 2005, Order, it is hereby

NOT FOR PUBLICATION

ORDER AND CIVIL JUDGMENT

05-CV-1637 (NGG)

ORDERED, ADJUDGED and DECREED: That plaintiff's complaint is dismissed in its entirety pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted. This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
October 14, 2005

/s/
NICHOLAS G. GARAUFIS
United States District Judge